

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

RANDY BAKER

v.

JOE D. DRIVER, WARDEN

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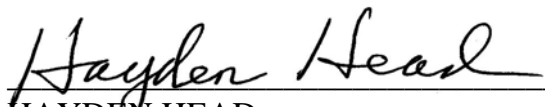
C.A. NO. C-05-321

**MEMORANDUM OPINION AND ORDER GRANTING MOTION FOR
DISMISSAL AND DENYING MOTION FOR ENTRY OF DEFAULT**

On December 15, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 20). Objections were timely filed (D.E. 21). Having reviewed *de novo* the Magistrate Judge's memorandum and recommendation and the pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, respondent's motion to dismiss (D.E. 14) is granted. Petitioner's motion for a writ of habeas corpus (D.E. 17), treated by this Court as a motion for entry of default, is denied.

ORDERED this 19th day of February, 2006.



HAYDEN HEAD
CHIEF JUDGE